

REMARKS

This is in response to the Office Action mailed November 30, 2011. An RCE accompanies this Amendment. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

The independent claims have been amended to clarify the claimed invention. Various dependent claims have been amended to comport with the changes that have been made to the independent claims. It is believed that the changes that have been made to the claims render moot the Examiner's §§101 and 112, second paragraph, rejections (see Office Action, pages 2-3). The changes made to the claims find support at, *inter alia*, page 4, line 12 to page 12, line 21 of the Specification, and in Figures 1-3 of the subject application.

In making the within claim amendments, Applicants are clarifying the claimed subject matter and are not acquiescing as to the validity and/or correctness of (1) the rejections of the subject application, or (2) the characterizations of the art made by the Examiner in the Office Action. The within claim amendments are not intended to, and do not result in disclaimer, waiver, and/or estoppel vis-à-vis claim scope and/or equivalents.

In the Office Action, the Examiner rejected claims 45-60 under 35 USC § 103(a) as being unpatentable over Belkin (U.S. Patent No. 6,604,125) in view of Bush (U.S. Patent No. 6,308,319). It is respectfully submitted that this rejection of the claims, as amended, is in error.

All claim limitations must be considered material in judging the patentability of the claims against the prior art. MPEP §2143.03; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976); *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). In determining the differences between the prior art and the claims, the question under 35 USC §103 is not whether the differences themselves would have been obvious, but whether the claimed combination of limitations, as a whole, would have been obvious. MPEP §2141.02; *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). Rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with factual rationale to support a *prima facie* case of obviousness. In order for that reasoning and rationale to be proper, among other things, all of the claim limitations must be taught or suggested in the art relied upon by the Examiner. MPEP §2141 III; *KSR International v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Belkin discloses a web server. Bush is said to disclose branching. In contrast to these documents that have been cited by the Examiner, independent claim 61, as amended, recites:

“assigning received packets to threads for processing, the threads to be executed by microengines in the processor, the assigning being in accordance with thread scheduling information that includes thread capabilities information, port-to-thread assignments listing, and thread busy tracking information, the thread capabilities information indicating receive processing threads capabilities and appropriate port protocol servicing capabilities, the port-to-thread assignments listing maintaining a current list of active receive processing thread-to-port assignments, the thread busy tracking information being maintained by a thread busy mask register that indicates any threads that are actively servicing ports...” (Independent claim 61, as amended).

These above underlined limitations of claim 61 are not disclosed or suggested in the documents relied upon by the Examiner. For example, the documents relied upon by the Examiner do not disclose making packet-to-thread assignments in accordance with the specific type of thread scheduling information that is recited in the independent claims (e.g., thread information that includes the specific components and characteristics recited in the independent claims). Advantageously, these features of the claimed invention that are not contemplated in the documents relied upon by the Examiner permit embodiments of the claimed invention to make packet-to-thread assignments much more efficiently and effectively than is the case in the technology relied upon by the Examiner. Also advantageously, these features of the claimed invention permit embodiments of the claimed invention to make such assignments in accordance with much different, more robust, and useful criteria than is the case in the technology relied upon by the Examiner. (See, e.g., Specification, page 7, line 16 to page 12, line 21).

The other currently pending independent claim (i.e., new claim 69) contains the above underlined limitations of independent claim 61, or similar limitations. Thus, all of the currently pending claims contain the above underlined limitations of claim 61, or similar limitations, either directly, or by depending from one of the independent claims. 35 USC §112, fourth paragraph.

Accordingly, since these advantageous features of the claimed invention are nowhere disclosed or suggested in the documents relied upon by the Examiner, it is respectfully submitted that these documents, whether taken singly or in combination, do not render obvious the claimed invention. Therefore, it is respectfully submitted that the Examiner's rejection of the claims, as amended, under 35 USC §103 is not warranted.

In the event that the Examiner believes that a telephone interview would advance the prosecution of this application, the Examiner is invited to call the undersigned attorney to initiate an interview.

In the event that any fees are due or payable in connection with this submission or in this application (including any applicable extension of time for response fees) please charge them to Deposit Account No. 50-4238. Likewise, please credit any overcharges to Deposit Account No. 50-4238.

Respectfully submitted,

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